

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Kevin Jones

Docket No. 5:12-CR-199-1BO

Petition for Action on Probation

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kevin Jones, who, upon an earlier plea of guilty to Purloining Monies of the United States, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 17, 2012, to 60 months probation under the conditions adopted by the court.

On January 16, 2013, the conditions of probation were modified to require the defendant to participate in the home detention program with location monitoring for a period of 30 days in lieu of placement in a community corrections center for 30 days, to be served only on weekends.

On August 26, 2014, a Violation Report was submitted to the court, advising of Mr. Jones' failure to make payments towards the special assessment and restitution in the amount of \$50.00 per month as ordered by the court. The defendant was verbally reprimanded and supervision was continued with no punitive sanction.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On October 25, 2016, the defendant committed the offenses of Driving While Impaired and No Operator's License in Durham County, North Carolina. The defendant spoke to the probation officer two days after his arrest, but he failed to notify the probation officer of his contact with law enforcement. When he was confronted with the arrest the following week, the defendant explained that he has been under a lot of stress resulting from his wife's ongoing treatments for cancer in her spine, as well as their financial hardships resulting from his wife's inability to work and the defendant's low wage job. The defendant admitted he was wrong to drive a vehicle to a friend's party, and he admitted consuming alcohol and then getting behind the wheel of the car. At the time of his arrest, the defendant refused to submit to a breathalyzer test. In addition to this violation of probation, the defendant has failed to make payments on a monthly basis towards his court ordered restitution since October 2015. In mitigation of the defendant's failure to make payments, he has often provided the probation officer with copies of his bank statements showing a negative balance in his account. Lastly, the defendant has completed 103 hours out of 150 hours of community service that was imposed by the court. In lieu of returning to court, it is recommended the defendant obtain a substance abuse assessment and complete any recommended treatment. The probation office recognizes the defendant needs to understand the seriousness of his breach of the court's trust and is also recommending the defendant adhere to a curfew with location monitoring for a period of 90 days to address all issues of noncompliance. Due to probation office recommending a 90-day curfew with electronic monitoring, the probation office also recommends reducing the community service hours required from 150 hours to 103 hours. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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2. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
3. The defendant's required community service work is reduced from 150 hours to 103 hours.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey L. Keller

Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster

Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: November 17, 2016

ORDER OF THE COURT

Considered and ordered this 20 day of November, 2016, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge